

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERICA HAMILTON,	:	
	:	
Plaintiff	:	
	:	NO.
v.	:	
	:	CIVIL ACTION - LAW
ALBRIGHT COLLEGE,	:	
	:	JURY TRIAL DEMANDED
Defendant	:	

NOTICE OF REMOVAL

**TO: CLERK OF COURT OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

The Defendant, Albright College, through counsel, MARSHALL DENNEHEY, hereby provides Notice to this Court of the removal of the above-captioned action from the Berks County Court of Common Pleas based on federal question jurisdiction as more specifically set forth below.

1. Plaintiff filed a Writ of Summons on November 14, 2022 against Defendant Albright College.
2. Service of the Writ was perfected on November 18, 2022.
3. A pretrial conference was scheduled before Common Pleas Judge Gavin on February 2, 2023 requiring attendance of counsel for the parties.
4. An Order issued following the conferencing directing Plaintiff to file a complaint on or before February 9, 2023.
5. Plaintiff's counsel filed a complaint on February 8, 2023. (Ex. A.)

6. In the complaint, Plaintiff, a former student of the Defendant, has raised a claim for alleged breach of contract claim, a claim for alleged breach of good faith and fair dealing, and an alleged Title IX claim.

7. Because the Title IX claim raises a federal question, Defendant has elected to remove the case to this Court's jurisdiction for litigation.

8. Notice of this Removal has been duly provided to the Court of Common Pleas of Berks County. (Ex. B.)

9. Venue is proper under 28 U.S.C. Section 1391 inasmuch as both parties have a primary place of residence in Berks County, Pennsylvania, which is located within the Eastern District of Pennsylvania.

10. Count III of the Complaint provides this Court with federal question jurisdiction necessary to substantiate the timely removal from the Clinton County Court of Common Pleas to this Court pursuant to Article III of the U.S. Constitution.

11. Plaintiff's breach of contract claims in Counts I and II of the Complaint fall under this Court's supplemental jurisdiction authorized by 28 U.S.C. Section 1367(a).

12. Notice of this Removal has been duly provided to opposing counsel, Attorney William Rush, who maintains a law practice in Reading, Berks County, Pennsylvania.

13. Defendant believes and therefore avers that all conditions precedent to a successful removal of this action to the jurisdiction of this Court have been satisfied.

WHEREFORE, Defendant, Albright College, hereby notifies this Honorable Court of the removal of the action filed on behalf of the Plaintiff in the Berks County Court of Common Pleas.

Respectfully submitted,

MARSHALL DENNEHEY

BY: /s/Sharon M. O'Donnell
Sharon M. O'Donnell, Esquire
PA I.D. No. 79457
100 Corporate Center Dr., Suite 201
Camp Hill, PA 17011
(717) 651-3503 Fax (717) 651-3707
smodonnell@mdwecg.com
*Attorneys for Defendant, Albright
College*

DATE: February 16, 2023

CERTIFICATE OF SERVICE

I, Sharon M. O'Donnell, Esquire hereby certify that a true and correct copy of the foregoing was served upon the following via the Electronic Court Filing System and US Mail this date and is available for viewing and downloading from the ECF System.

William Rush, Esquire
Rush Law Group, LLC
38 N. 6th Street
P.O. Box 758
Reading, PA 19603-0758

MARSHALL DENNEHEY

DATE: February 16, 2023

BY: /s/ Sharon M. O'Donnell
Sharon M. O'Donnell, Esquire
PA I.D. No. 79457
100 Corporate Center Dr., Suite 201
Camp Hill, PA 17011
(717) 651-3503
Fax (717) 651-3707
smodonnell@mdwgc.com